

### **Remarks**

The Office Action dated March 23, 2009 has been carefully reviewed and the following comments are made in response thereto. Claims 12-26 are pending in the instant application. Claims 1-11 are cancelled without prejudice or disclaimer to the subject matter claimed therein. Claims 12-26 are new. Applicants submit that the amendments to the claims do not introduce any new matter.

### **Restriction Requirement**

The Examiner has alleged that the pending claims are drawn to three (3) patently distinct inventions and issued a restriction requirement under 35 U.S.C. § 121 which required Applicant to elect one of the following groups:

- I. Claims 1-3, drawn to a method for detecting a gene mutation;
- II. Claims 4, 8-11, drawn to a product (kit); and
- III. Claims 5-7 and 9-10, drawn to a method for detecting a gene mutation.

In response to this restriction, Applicant elects, without traverse, Group I, drawn to a method for detecting a gene mutation. Further, Applicants submit that claims 12-26 are drawn to the elected invention of Group I. Applicants reserve the right to file divisional application(s), to any non-elected subject matter.

### **Conclusion**

Except for issues payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 02-1818. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 C.F.R. §1.136(a)(3). Should the Examiner have any questions concerning

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Applicants' Response, the Examiner is encouraged to contact the undersigned attorney to discuss any issues to expedite the eventual allowance of the claims.

Respectfully submitted,

K & L GATES LLP

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